

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESale PRICE LITIGATION	)	MDL No. 1456
THIS DOCUMENT RELATES TO 01-CV-12257-PBS AND 01-CV-339	)	Civil Action No. 01-CV-12257 PBS Judge Patti B. Saris Chief Magistrate Judge Marianne B. Bowler

**DECLARATION OF THOMAS J. SWEENEY**

THOMAS J. SWEENEY, III, declares as follows:

1. I am a member of Hogan & Hartson L.L.P., attorneys for defendants Bristol-Myers Squibb Co., Oncology Therapeutics Network Corp. and Apothecon, Inc. ("BMS"). I make this declaration in support of the Track 1 Defendants' Motion in Limine to Exclude Plaintiffs' Exhibits Relating to the Conduct of Non-Track 1 Defendant Pharmaceutical Companies. I have personal knowledge of the facts stated herein.
  
2. Annexed hereto as Exhibit A are copies of documents from the files of GSK which plaintiffs have designated in their exhibit list (Plaintiffs' exhibits 905-908).
  
3. Annexed hereto as Exhibit B are copies of documents from the files of Immunex which plaintiffs have designated in their exhibit list (Plaintiffs' exhibits 964-965).
  
4. Annexed hereto as Exhibit C is a copy of a document from the files of Baxter which plaintiffs have designated in their exhibit list (Plaintiffs' exhibit 975).
  
5. Annexed hereto as Exhibit D is a copy of a Dey complaint which plaintiffs have designated in their exhibit list (Plaintiffs' exhibit 963).

I declare the foregoing to be true under the penalty of perjury.

Dated: October 10, 2006

/s/ Thomas J. Sweeney, III

Thomas J. Sweeney, III